

### REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

#### Claim amendments/Status

In this response, the independent claims have been amended to further clarify the structure which results from the claimed method. For example, claim 7 has been amended to call for the upper electrode to be formed so as to have an air-bridge configuration and to surround upper and side surfaces of the lower electrode. It is abundantly clear that the structure/method which is disclosed in Fonash et al. neither meets nor suggests this configuration.

Support for the amendments is found in the originally filed specification and drawings. Note the support for at least the air-bridge configuration found at page 8, lines 3-6 of the originally filed specification, and the structure depicted in Fig. 1F and Fig. 4.

#### Rejections under 35 USC § 103

All of the rejections based on the basic combination of Fonash et al. and Lavallee et al. are summarily traversed. The basic combination cannot meet/render obvious the limitations which have been introduced into the independent claims. None of the disclosures of Tao et al; Chiba et al; Milanovski et al. or the AAPA, taken either individually or in combination can be relied upon to overcome the shortcomings of the basic combination and lead to a *prima facie* case of obviousness for the subject matter as now claimed.

As pointed out in the last response, since the upper electrode in Fonash et al. is smaller than the lower electrode, it is impossible for it to surround/enclose the lower electrode, and in fact suggests an arrangement which is essentially the very reverse of that claimed. Indeed, since the upper electrode of Fonash et al. is smaller than the lower electrode there are no horizontal distances between the upper and lower electrodes as now called for in Applicant's claims.

Conclusion

It is respectfully submitted that the claims as they have been amended are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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